

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)

v.)

BELA BALINT,
ADRIAN GHIGHINA, and
CRISTINA SAVU)

No. 07 CR 863

Magistrate Judge
Sidney I. Schenkier

FILED
JUL 31 2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

JUL 31 2008

Motion to Dismiss Complaint Without Prejudice

The UNITED STATES OF AMERICA, by its attorney, PATRICK J. FITZGERALD, United States Attorney for the Northern District of Illinois, respectfully moves this Court to dismiss the indictment against the defendant without prejudice.

1. On December 21, 2007, BALINT, GHIGHINA, and SAVU were charged in the instant case by way of a criminal complaint with having devised and participated in a wire fraud scheme between on or about September 2005 and July 2006.

2. On April 17, 2008, a grand jury sitting in the Northern District of Illinois returned an indictment in case no. 07 CR 862 alleging that BALINT, SAVU, and two co-defendants devised and participated in a wire fraud scheme. Defendants BALINT and SAVU were each charged in that indictment with four counts of wire fraud. The charges in the indictment in case no. 07 CR 862 are premised upon the same fraud scheme underlying the instant complaint.

3. Defendant GHIGHINA was not charged in the indictment in case no. 07 CR 862, as he was known to be a fugitive, and the government did not wish to proceed

in the prosecution in light of his fugitive status.

3. Counsel for defendant SAVU has advised the government that he does not object to dismissal of the complaint in this case.

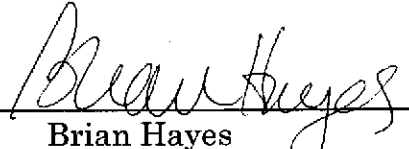
4. Because GHIGHINA and BALINT are fugitives, no counsel has appeared for either defendant. Therefore, the government has not communicated with counsel for GHIGHINA or BALINT regarding this motion.

WHEREFORE, the United States respectfully requests that the Court enter a minute order dismissing the complaint against defendants SAVU, GHIGHINA, and BALINT without prejudice.

Respectfully submitted,

PATRICK J. FITZGERALD
United States Attorney

By:



Brian Hayes
Assistant U.S. Attorney
219 South Dearborn Street
Chicago, Illinois 60604
(312) 353-4307